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**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

ORACLE USA, INC., a Colorado corporation;  
 ORACLE AMERICA, INC. a Delaware  
 corporation; and ORACLE INTERNATIONAL  
 CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;  
 SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-00106-LRH-PAL

**PLAINTIFFS ORACLE'S MOTION  
 TO SEAL THEIR REPLY IN  
 SUPPORT OF ORACLE'S MOTION  
 TO DETERMINE DISPUTED JURY  
 INSTRUCTIONS**

Judge: Hon. Larry R. Hicks

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010, Dkt. 55 (“Protective Order”), and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation (together “Oracle” or “Plaintiffs”) respectfully request that the Court order the Clerk of the Court to file under seal an unredacted copy of Oracle’s Reply in Support of Oracle’s Motion to Determine Disputed Jury Instructions (“Reply”) and Exhibits K and L to the Declaration of Kieran P. Ringgenberg in Support of Plaintiffs Oracle’s Reply in Support of Oracle’s Motion to Determine Disputed Jury Instructions (the “Ringgenberg Reply Declaration”). Unredacted copies of the Reply and Exhibits K and L were individually lodged under seal with the Court on July 24, 2015.

Sealing of the unredacted Reply and Exhibits K and L is requested because the redacted portions of it contain information that Rimini Street, Inc. and Seth Ravin (collectively the “Defendants”) have designated as “Confidential Information” and “Highly Confidential Information – Attorneys’ Eyes Only” under the terms of the Protective Order. The Protective Order states, “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ and ‘Highly Confidential Information – Attorneys’ Eyes Only’ under the terms of this Protective Order only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2.

For sealing requests relating to non-dispositive motions, such as this, the presumption of public access to court filings may be overcome by a showing of good cause under Rule 26(c). *See Pintos v. Pacific Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir. 2010); *Kamakana v. Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). The parties have identified the information redacted in the Reply as well as Exhibits K and L as Confidential and Highly Confidential, and therefore have represented that good cause exists for sealing those portions of the documents. This is a

1 sufficient showing of good cause to permit a sealing order on a non-dispositive motion. *See*,  
 2 *e.g.*, *Pac. Gas & Elec. Co. v. Lynch*, 216 F. Supp. 2d 1016, 1027 (N.D. Cal. 2002).

3 In addition, material in the Reply and Exhibits K and L is, or is taken from, license  
 4 agreements between Oracle and its customers. Oracle designated each of those agreements  
 5 “Highly Confidential,” which reflects, in Oracle’s best judgment, that the documents contain  
 6 “extremely sensitive, highly confidential, non-public information, consisting either of trade  
 7 secrets or other highly confidential documents related to current or future business plans,  
 8 protocols or strategies, the disclosure of which . . . would be likely to cause competitive or  
 9 business injury to [Oracle] (other than injury to [Oracle’s] position in this Action).” Protective  
 10 Order ¶ 4. In particular, these license agreements contain confidential terms related to the  
 11 customers’ licensed use of Oracle’s enterprise software. Oracle has invested billions of dollars  
 12 to acquire and develop this software, and it relies on licensing to recoup some of those costs.  
 13 Disclosure of the confidential terms of the licenses could interfere with Oracle’s ongoing  
 14 licensing efforts. Thus, there is a basis for this material to be sealed. *Selling Source, LLC v. Red*  
 15 *River Ventures, LLC*, 2:09-CV-01491-JCM, 2011 WL 1630338 \*6 (D. Nev. Apr. 29, 2011)  
 16 (citing *Pintos*, 565 F.3d at 1115 n.4). The Court has previously sealed similar materials in  
 17 connection with summary judgment briefing. Dkt. 325 at 2.

18 Oracle has submitted all other exhibits in the Ringgenberg Reply Declaration to the  
 19 Court’s public files, which would allow public access to all Exhibits except for Exhibits K and L.  
 20 Accordingly, the request to seal is narrowly tailored.

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1 For the foregoing reasons, Oracle respectfully requests that the Court find that good cause  
2 exists to file under seal the unredacted copies of the Reply and Exhibits K and L, and to issue an  
3 order sealing the same.

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5 DATED: July 24, 2015

BOIES SCHILLER & FLEXNER LLP

6  
7 By: /s/ Kieran P. Ringgenberg  
8 Kieran P. Ringgenberg  
9 Attorneys for Plaintiffs  
10 Oracle USA, Inc., Oracle America, Inc.,  
and Oracle International Corp.  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 24th day of July, 2015, I electronically transmitted the foregoing **PLAINTIFFS ORACLE'S MOTION TO SEAL THEIR REPLY IN SUPPORT OF ORACLE'S MOTION TO DETERMINE DISPUTED JURY INSTRUCTIONS** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel being registered to receive Electronic Filing.

/s/ Catherine Duong

An employee of Boies, Schiller & Flexner LLP